REMARKS

The latest Office Action indicates that claims 1-38 are pending in the application. However, claims 21 and 33 were canceled in Applicant's Supplement to Amendment A, mailed June 8, 2005. Accordingly, claims 1-20, 22-32 and 34-38 are presently pending. Further, because no claims have been added or canceled by this response, claims 1-20, 22-32 and 34-38 remain pending. Applicant respectfully requests reconsideration of the instant application in view of the following remarks.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-20, 22-32 and 34-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Narendran et al. (U.S. Pat. No. 6,070,191). This rejection is respectfully traversed.

Independent claim 1 recites a server for providing data to clients. The server includes, among other things, a dispatcher having a queue for storing requests received from clients, and at least one back-end server. The dispatcher stores in the queue one or more of the requests received from clients when the back-end server is unavailable to process said one or more requests.

Narendran fails to disclose a dispatcher having a queue for storing requests. Instead, Narendran discloses a server system 10 for processing client requests. See Figure 1 of Narendran. The server system 10 includes redirection servers 14-1 and 14-2 and a cluster of N document servers S_1, S_2 ...S_N. The redirection servers 14-1 and 14-2 use a redirection mechanism to determine which document server should service a particular request. See column 4 lines 44-47.

The Office Action contends that Narendran teaches storing requests because it teaches that when a redirection server is initialized, it stores certain information in its internal data structures. See column 15 lines 12-13. However, this information, shown in a table in column 15, merely indicates to where the redirection server should direct a particular request. See column 15, lines 14-17. Significantly, the information stored in the redirection server does not include client requests. Narendran therefore fails to disclose a dispatcher that stores client requests in a queue when a back-end server is unavailable to process the client requests.

Bolstering this conclusion is the fact that the server system 10 distributes client requests with the goal of minimizing the probability that a request fails when a corresponding server is at its peak connection load. See column 5 lines 12-14. Narendran, therefore, suggests that a request will fail (rather than being stored in a queue) if the request is sent to a server operating at its peak connection load.

For at least these reasons, Narendran fails to anticipate claim 1 and claims 2-10 which depend therefrom.

Independent claim 11 recites a method for controlled server loading. The method includes, among other things, defining a maximum number of concurrent connections that a server is permitted to support and dynamically adjusting the maximum number as a function of the server's performance to thereby control a performance factor for the server.

Narendran fails to disclose dynamically adjusting, as a function of a server's performance, a maximum number of concurrent connections that a server is permitted to support. Although the Office Action contends that column 5, lines 1-45 of Narendran

discloses this feature, Applicant respectfully disagrees. Column 5 lines 1-45 merely disclose distributing documents over a cluster of document servers S_1, S_2 ...S_N having a maximum number of TCP connections I_1, I_2 ...I_N. Nowhere does Narendran disclose adjusting the maximum number of TCP connections for any reason. Accordingly, Narendran fails to disclose dynamically adjusting the maximum number as a function of the server's performance. For at least these reasons, Narendran fails to anticipate claim 11 and claims 12-18 which depend therefrom.

Independent claim 19 recites a method for controlled server loading that includes, among other things, receiving a plurality of data requests from clients, forwarding a number of the data requests to a server for processing, and storing a plurality of the data requests.

As explained above in connection with the rejection of claim 1, Narendran lacks any disclosure or suggestion of storing requests from clients. Accordingly, Narendran fails to anticipate claim 19 and claims 20-26 which depend therefrom.

Independent claim 27 recites a method for controlled server loading that includes defining a maximum number of data requests that a server is permitted to process concurrently, monitoring the server's performance, and dynamically adjusting the maximum number in response to the monitoring to thereby adjust the server's performance.

As explained above in connection with the rejection of claim 11, Narendran fails to disclose dynamically adjusting a maximum number of concurrent connections that a server is permitted to support. Similarly, Narendran lacks any disclosure or suggestion of dynamically adjusting a maximum number of data requests that a server is permitted

to process concurrently. Accordingly, Narendran fails to anticipate claim 27 and claims 28-31 which depend therefrom.

Independent claim 32 recites a method for controlled loading of a cluster-based server. The cluster-based server includes a dispatcher and a plurality of back-end servers. The method includes, among other things, receiving at the dispatcher a plurality of data requests from clients, forwarding a plurality of the data requests to each of the back-end servers for processing, and storing at the dispatcher a plurality of the data requests.

As shown above, Narendran fails to disclose storing a plurality of data requests. Accordingly, Narendran fails to anticipate claim 32 and claims 33-34 which depend therefrom.

Independent claim 35 recites a method for controlled loading of a cluster-based server. The cluster-based server includes a dispatcher and a plurality of back-end servers. The method includes defining, for each back-end server, a maximum number of data requests that can be processed concurrently, monitoring the performance of each back-end server, and dynamically adjusting the maximum number for at least one of the back-end servers in response to the monitoring step to thereby adjust the performance of the cluster-based server.

As shown above, Narendran fails to disclose dynamically adjusting a maximum number of data requests that a back-end server can process concurrently. Accordingly, Narendran fails to anticipate claim 35 and claim 36-38 which depend therefrom.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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